

FILED

OCT 19 2001

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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JAMES FORSTER,

NO. CIV. S-01-1473 WBS/PAN

Plaintiff,

v.

TANDY CORPORATION and DOES 1  
THROUGH 50, INCLUSIVE,

Defendants.

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for October 22, 2001, and makes the following findings and orders without needing to consult with the parties any further:

I. SERVICE OF PROCESS

All named defendants have been served and no further service is permitted without leave of court, good cause having been shown under Fed. R. Civ. P. 16(b).

II. JOINDER OF PARTIES/AMENDMENTS

No further joinder of parties or amendments to pleadings

1 is permitted except with leave of court, good cause having been  
2 shown under Fed. R. Civ. P. 16(b). See Johnson v. Mammoth  
3 Recreations, Inc., 975 F.2d 604 (9th Cir. 1992).

4 III. JURISDICTION/VENUE

5 Jurisdiction is predicated upon 28 U.S.C. § 1332  
6 (diversity). Venue is undisputed and is hereby found to be proper.

7 IV. DISCOVERY

8 The parties have stipulated that each party will serve  
9 the initial disclosures required by Fed. R. Civ. P. 26 (a)(1) by  
10 no later than November 5, 2001.

11 All discovery is left open, save and except that it shall  
12 be so conducted as to be completed by January 31, 2002. The word  
13 "completed" means that all discovery shall have been conducted so  
14 that all depositions have been taken and any disputes relative to  
15 discovery shall have been resolved by appropriate order if  
16 necessary and, where discovery has been ordered, the order has been  
17 obeyed. All motions to compel discovery must be noticed on the  
18 magistrate judge's calendar in accordance with the local rules of  
19 this court and so that such motions may be heard (and any resulting  
20 orders obeyed) not later than January 31, 2002.

21 V. MOTION HEARING SCHEDULE

22 All motions, except motions for continuances, temporary  
23 restraining orders or other emergency applications, shall be filed  
24 on or before April 8, 2002. All motions shall be noticed for the  
25 next available hearing date. Counsel are cautioned to refer to the  
26 local rules regarding the requirements for noticing and opposing  
27 such motions on the court's regularly scheduled law and motion  
28 calendar.

1 VI. FINAL PRETRIAL CONFERENCE

2 The Final Pretrial Conference is set for July 24, 2002,  
3 at 10:00 a.m. The conference shall be attended by at least one of  
4 the attorneys who will conduct the trial for each of the parties  
5 and by any unrepresented parties.

6 Counsel for all parties are to be fully prepared for  
7 trial at the time of the Pretrial Conference, with no matters  
8 remaining to be accomplished except production of witnesses for  
9 oral testimony. Counsel shall file separate pretrial statements,  
10 and are referred to Local Rules 16-281 and 16-282 relating to the  
11 contents of and time for filing those statements. In addition to  
12 those subjects listed in Local Rule 16-281(b), the parties are to  
13 provide the court with: (1) a plain, concise statement which  
14 identifies every non-discovery motion which has been tendered to  
15 the court, and its resolution; (2) a list of the remaining claims  
16 as against each defendant; and (3) the estimated number of trial  
17 days.

18 In providing the plain, concise statements of undisputed  
19 facts and disputed factual issues contemplated by Local Rule 16-  
20 281(b)(3)-(4), the parties shall emphasize the claims that remain  
21 at issue, and any remaining affirmatively pled defenses thereto.  
22 If the case is to be tried to a jury, the parties shall also  
23 prepare a succinct statement of the case, which is appropriate for  
24 the court to read to the jury.

25 VII. TRIAL SETTING

26 The trial is set for September 24, 2002, at 9:00 a.m.

27 VIII. SETTLEMENT CONFERENCE

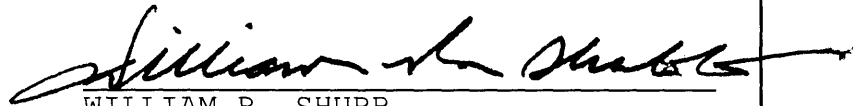
28 A Settlement Conference will be set at the time of the

1 Pretrial Conference.

2 All parties should be prepared to advise the court  
3 whether they will stipulate to the trial judge acting as settlement  
4 judge and waive disqualification by virtue thereof.

5 Counsel are instructed to have a principal with full  
6 settlement authority present at the Settlement Conference or to be  
7 fully authorized to settle the matter on any terms. At least seven  
8 calendar days before the Settlement Conference counsel for each  
9 party shall submit a confidential Settlement Conference Statement  
10 for review by the settlement judge. If the settlement judge is not  
11 the trial judge, the Settlement Conference Statements shall not be  
12 filed and will not otherwise be disclosed to the trial judge.

13 DATED: October 17, 2001

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15 WILLIAM B. SHUBB  
16 UNITED STATES DISTRICT JUDGE  
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United States District Court  
for the  
Eastern District of California  
October 19, 2001

\* \* CERTIFICATE OF SERVICE \* \*

2:01-cv-01473

Forster

v.

Radioshack

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on October 19, 2001, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

Valentina Doss  
2880 Sunrise Boulevard  
Suite 212  
Rancho Cordova, CA 95742

SH/WBS

Jayson Tory Javitz  
Seyfarth Shaw  
400 Capitol Mall  
Suite 2350  
Sacramento, CA 95814-4420

Jack L. Wagner, Clerk

BY:

  
Deputy Clerk